

METHFESSEL & WERBEL, ESQS.  
3 Ethel Road, Suite 300  
PO Box 3012  
Edison, New Jersey 08818  
(732) 248-4200  
+1(732) 248-2355  
mailbox@methwerb.com  
Attorneys for Quincy Mutual Fire Insurance Company  
Our File No. 68637 FPG

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

SCOTTSDALE INSURANCE COMPANY

Plaintiff,

V.

SOMERVILLE FIDELCO ASSOCIATES,  
L.P. AND BADGER ROOFING CO.,  
INC.

Defendants

AND

SOMERVILLE FIDELCO ASSOCIATES,  
L.P.

Third Party Plaintiffs

V.

QUINCY MUTUAL FIRE INSURANCE  
COMPANY, AMERICAN HOME  
ASSURANCE COMPANY

Third Party Defendants

CIVIL ACTION NO.: 3:07-CV-02763  
(AET) (TJB)

Civil Action

**AFFIDAVIT**

STATE OF NEW JERSEY :  
S.S.:  
COUNTY OF MIDDLESEX :

I, Fredric Paul Gallin, do say and depose:

1. I am an attorney duly admitted to practice before the Federal Courts of the District of New Jersey. I am a partner with the law firm of Methfessel & Werbel. I represent defendant, Quincy Mutual Fire Insurance Company in connection with this matter. I am familiar with the facts and circumstances heretofore had herein.

2. This motion is based upon the following exhibits:

1. Complaint for Declaratory Relief by Scottsdale against Somerville Fidelco;
2. Somerville Fidelco's Answer;
3. Third Party Complaint;
4. Quincy Mutual Answer to Third Party Complaint;
5. Quincy Mutual insurance policy;
6. Notice of Claim to Quincy Mutual dated April 4, 2006;
7. Initial Reservation of Rights based on late notice by Quincy Mutual to Schenkman Kushner Affiliates dated August 10, 2006 (please note that Somerville Fidelco is affiliated with Schenkman Kushner);
8. Response letter from Greenbaum Rowe (who were Somerville Fidelco's attorneys at the time) to the initial Reservation of Rights letter;

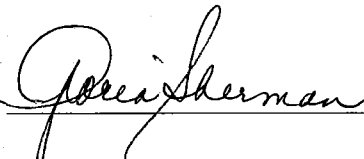
9. Bristol Myers Arbitration demand;
10. Denial letter from Quincy Mutual dated November 17, 2006 based upon the asbestos exclusion contained within the policy;
11. Letter from Quincy Mutual to Greenbaum Rowe dated March 23, 2007 also pointing out that this claim falls within the "owned property" exclusion;
12. Letter from Greenbaum Rowe to Quincy Mutual dated April 26, 2007 indicating that they were considering settling the arbitration matter with Bristol Meyers and requesting authority for same;
13. Letter from Quincy Mutual to Greenbaum Rowe dated April 27, 2007 indicating that the denials were being affirmed and that settlement of the claim would not be considered a violation of the terms of the insurance contract;
14. Bristol Meyers Arbitration Statement;
15. Index to the Arbitration exhibits;
16. Revised damage calculation submitted by Bristol Meyers;
17. Letter from Barry Ages, Director of Operations of Somerville Fidelco to the New Jersey Department of Labor requesting a waiver of notification for asbestos work;

18. Report of Environmental Health Investigations concerning asbestos roof removal abatement monitoring;
19. Reports from Eagle Industrial Hygiene submitted on behalf of Bristol Meyers;
20. Deposition transcript of Barry Ages;
21. Deposition transcript of David Burkhardt from Eagle Industrial Hygiene;
22. Deposition transcript of John Chapman, Associate Director of Corporate Real Estate for Bristol Meyers;
23. Deposition transcript of John Deck, Operations Technical Manager of building in question;
24. Deposition transcript of Barbara Owen, Associate Director of Environmental Health & Safety for Bristol Meyers;  
Deposition transcript of Robert Post, Facility Supervisor for Bristol Meyers;
25. Deposition transcript of Robert Post, Facility Supervisor for Bristol Meyers;
26. Deposition transcript of Michael Solakov of Slavco.

3. I hereby certify that the exhibits attached hereto are true copies of the exhibits contained within my file. These exhibits primarily are either the pleadings in this action or documents that were exchanged in discovery. The complete underlying arbitration proceeding had been exchanged.

  
Fredric Paul Gallin

SWORN AND SUBSCRIBED  
TO BEFORE ME THIS 8<sup>th</sup> DAY  
OF OCTOBER, 2009



NOTARY PUBLIC

GLORIA R. SHERMAN  
A NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES MARCH 31, 2011